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132 S. RODEO DRIVE, FOURTH FLOOR
BEVERLY HILLS, CA 90212 • 424.203.1600

100 PARK AVENUE, SIXTEENTH FLOOR
NEW YORK CITY, NY 10017 • 212.799.1400

WWW.HARDERLLP.COM

November 6, 2020

FILED AND SERVED ELECTRONICALLY

Hon. Alison J. Nathan
United States District Court for the Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: *BYD Company Ltd. v. VICE Media LLC*, No. 20-CV-03281

Dear Judge Nathan:

This firm represents Plaintiff BYD Company Ltd. (“BYD”) in the above-captioned action and writes on behalf of all parties.

Under the current schedule in the case, the parties are required to submit a proposed case management plan to the Court on November 6, 2020, once the temporary stay of discovery expires. *See* ECF No. 13. The parties have an initial conference scheduled for November 13, 2020, but are uncertain as to whether they should still file a proposed plan because Defendant VICE Media LLC (“VICE”) has filed a letter requesting a full stay in discovery pending the resolution of its motion to dismiss and BYD indicated in its response letter that it does not oppose waiting an additional two to four weeks for the Court to rule on VICE’s motion to dismiss (but BYD opposes anything longer).

VICE proposes that entry of a case management plan be postponed until after the resolution of its motion to dismiss. And, VICE does not believe BYD’s proposed discovery schedule – with only four months for fact discovery – is realistic, as much of the discovery in this case will take place in China.

BYD proposes that the Court approve the proposed plan attached hereto.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Charles J. Harder".

CHARLES J. HARDER Of
HARDER LLP

A handwritten signature in blue ink, appearing to read "J. Paul Oetken".

J. PAUL OETKEN
United States District Judge

Dated: Nov. 11, 2020
(Part I)

The initial pretrial conference in this matter is hereby adjourned to December 4, 2020 at 3:00 p.m. The stay of discovery is temporarily extended until December 4, 2020. SO ORDERED.